
RECOMMENDATIONS FOR THE DENTAL BOARD OF CALIFORNIA (BOARD)

JOINT COMMITTEE STAFF RECOMMENDATIONS

The Dental Board Enforcement Monitor (Monitor) has made numerous recommendations relative to the Dental Board's Enforcement Program. Some of the recommendations have been fully implemented, some have been partially implemented, and some have been deferred. The Board should continue to implement all recommendations set forth by the Monitor, including submitting BCPs to obtain additional funding for implementation of the recommendations, updating the Board's complaint disclosure policy, revising policy and procedure manuals, analyzing staffing requirements, monitoring the status of legal action cases and Attorney General Office expenditures, and working effectively with the Department of Consumer Affairs.

ISSUE #1. (CONTINUE REGULATION OF THE PROFESSION BY THE BOARD?) Should the licensing and regulation of the practice of dentistry be continued?

Recommendation #1: *Continue regulation of the practice of dentistry and maintain a board structure.*

Comments: The practice of dentistry affects the health and safety of Californians and requires a high level of skill.

ISSUE #2. (CONVERT LIMITED-TERM PEACE OFFICER POSITIONS TO FULL-TERM POSITIONS?) Should the statutes governing the number of limited-term peace officer positions be repealed?

Recommendation #2: *Convert the limited-term peace officer positions to full-term positions.*

Comments: Through SB 826 (Greene), Chapter 704, Statutes of 1997, seven investigator positions with limited-term (LT) peace officer status were designated. Three investigator positions have since been reclassified to non-sworn classifications. The limited-term peace officer status of some of the investigator positions in the Board's Tustin Office is said to be the primary cause of repeated turnover among personnel in the positions. As of July 1, 2002, two of the four LT positions were vacant, one for two months and the other for four months. One of the previous incumbents stayed only nine months, and the other 16 months. An earlier incumbent stayed only six months. Conversely, the four Tustin Office investigator positions with permanent peace officer status have all been staffed with senior investigator who have at least seven years experience each.

The Monitor believes that limited-term restriction is clearly hampering the ability of the Board to operate effectively. In order to provide the Board with adequate resources, the Monitor recommends

that the limited-term restriction on peace officer appointments be repealed so that appointments to the affected positions can be made on a permanent basis.

ISSUE #3. (PEACE OFFICE STUDY BE DELETED?) Should the requirement that a study on the use of non-sworn investigators be repealed?

Recommendation #3: *Repeal the current requirement for performance of the \$75,000 follow-up study.*

Comments: A follow-up to an earlier study completed by an outside consultant was initially planned to be performed during FY 2001/02, but was deferred. The Initial Report of the Enforcement Monitor contains an extensive discussion of the basis for recommending that there should not be any further analysis of the potential use of non-sworn investigators to replace some of the Dental Board's sworn investigators. Since the issue of the Board's use of sworn peace officers first arose during the mid-1990s, the number of authorized sworn peace officer positions has been reduced from 17 to 12. Recently, the Board's Chief of Enforcement has, out of necessity, diverted a small number of complaints to some of the Enforcement Program's non-sworn inspectors that otherwise would have been assigned to one of Program's few remaining sworn investigators. As was indicated in the Monitor's Initial Report, this bifurcated approach to assigning cases is inherently cumbersome, provides only marginal benefits, and adversely impacts the optimal utilization of management time. Finally, the Monitor does not believe that the Board currently has available the types of data that are needed to properly conduct this type of study. It is for exactly this reason that the results of the earlier study of this issue were inconclusive, and that a follow-up study was mandated.

ISSUE #4. (DISSEMINATE CONSUMER SATISFACTION SURVEY?) Should a consumer satisfaction survey go out with every complaint closing letter?

Recommendation #4: *The Board should send out a consumer satisfaction survey to complainants on a continuous basis in conjunction with the issuance of case closing letters and start doing so by June 2003. Also, periodic summaries of survey results should be provided to the JLSRC.*

Comments: Basic measures of consumer satisfaction with the Board's Enforcement Program are critically needed.

ISSUE #5. (OTHER BOARD PROGRAMS TO BE EXAMINED?) Should the Enforcement Monitor study other programs of the Board?

Recommendation #5: *The Enforcement Monitor should examine all aspects of the Board including other programs such as the Licensing Program, the Examination Program, and the Board's budget expenditures.*

Comments: Given the fact that the Board's Enforcement Program is being directly impacted by their other programs, the JLSRC believes that the Monitor should look at the Board overall. For example, some of the funding included in the Dental Board's budget for Enforcement Program staffing, equipment, legal action processing, and other costs is being utilized to support the Board's Licensing and Examination Programs. The practice of utilizing Enforcement Program funding to support the Licensing and Examination Programs, if it continues, could have adverse impacts on Enforcement Program performance.